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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: Platinum and Palladium Commodities Litigation,*

This Document Relates To:

Physical Action

MASTER FILE

No. 10 Civ. 3617 (WHP)

~~[Proposed]~~ **Revised Scheduling Order, Physical Class**

WHEREAS, on September 18, 2013, the Physical Plaintiffs ("Plaintiffs") moved for preliminary approval of their proposed settlement with the Moore Capital Defendants and Defendant Joseph Welsh ("Settlement") [ECF No. 140];

WHEREAS, on July 15, 2014, the Court entered an Order Preliminarily Approving Proposed Settlement, Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to The Class ("Preliminary Approval Order") [ECF No. 212];

WHEREAS, the Preliminary Approval Order scheduled a fairness hearing on November 7, 2014 and set certain deadlines related to the final approval process for the proposed Settlement;

WHEREAS, by letter dated October 1, 2014, Plaintiffs request the Court adjourn the November 7, 2014 fairness hearing and certain related deadlines in the Preliminary Approval Order by approximately 90 days;

**IT IS HEREBY ORDERED** the following deadlines set forth in the Preliminary Approval Order [ECF No. 212] are adjourned as follows:

1. A hearing will be held on February 13, 2015 at 11:00 a.m. / p.m.]  
~~[approximately \_\_\_\_\_, at the Court's convenience]~~ in Courtroom 20B of this

Courthouse before the undersigned, to consider the fairness, reasonableness, and adequacy of the Settlement Agreement (the "Fairness Hearing").

2. Any request for exclusion from the Settlement by a member of the Physical Class must be made in writing and received by the Settlement Administrator no later than thirty-five days before the Fairness Hearing (the "Exclusion Bar Date"). Any such request for exclusion must contain the following information:

- a. the date of acquisition of each position in any NYMEX platinum physical contract or NYMEX palladium physical contract for which recovery is sought by a Physical Class member or that was acquired or sold during the Class Period;
- b. when and at what price such position(s) was/were acquired, closed out or sold;
- c. any and all broker(s) or physical commission merchant(s) used; and
- d. a statement and description of whether positions in NYMEX platinum physical contracts or NYMEX palladium physical contracts were acquired as a hedge to off-exchange positions or exposures that relate to platinum or palladium during the Class Period.

3. Physical Class Counsel shall file their motions for payment of attorneys' fees and reimbursement of expenses and for final approval of the Settlement at least 30 days prior to the Fairness Hearing.

4. Any member of the Physical Class who objects to any aspect of the Settlement, application for attorneys' fees and expenses, or the Final Judgment, or who otherwise wishes to be heard, may appear in person or by his or her attorney at the Fairness Hearing and present

evidence or argument which may be proper and relevant; provided, however, except for good cause shown, no person other than Physical Lead Counsel and counsel for the Settling Defendants shall be heard and no papers, briefs, pleadings, or other documents submitted by any member of the Physical Class shall be considered by the Court unless, not later than 23 days prior to the Fairness Hearing directed herein, the objecting member of the Physical Class files the following with the Court and serves the same on or before such filing by hand, overnight mail or e-mail on the Physical Lead Counsel and all counsel of record for the Settling Defendants:

- a. a written notice of intention to appear;
- b. proof of membership in the Physical Class;
- c. a detailed statement of the objections to any matters before the Court;
- d. a statement advising of any court proceeding in which said objector has made an objection to a proposed class action settlement within the past three years, including case name, docket number, and court;
- e. the grounds or reasons why the member of the Physical Class desires to appear and be heard; and
- f. all documents or writings the member of the Physical Class desires the Court to consider.

5. Counsel for the Physical Class, counsel for the Settling Defendants, and any other Persons wishing to oppose timely-filed objections may do so not later than seven days before the Fairness Hearing.


6. At least seven days prior to the Fairness Hearing, the Settlement Administrator shall serve and file a sworn statement attesting to compliance with the notice provisions in Sections 7, 8 and 9 of the Preliminary Approval Order.

7. All Proofs of Claim shall be submitted by Physical Class members as directed in the Class Notice and must be received by the Settlement Administrator no later than seventy-five days after the Fairness Hearing.

8. If any deadline imposed herein falls on a non-business day, then the deadline is extended until the next business day.

Dated: New York, New York

October 7, 2014

  
WILLIAM H. PAULEY III  
United States District Judge